

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 30TH AUGUST 2006 / 8TH BHADRA 1928

OP.No. 457 of 2002(D)

PETITIONER:

1. MAKKAR, S/O. MOIDEEN, ODAMKULAM,
CHERUVATTOOR, KOTHAMANGALAM.
2. BENNY JAMES, ODAKKAL, KEERAMPARA.
3. SAJU VARGHESE, PULIKKAKUDIYIL,
NERIYAMANGALAM.
4. VARKEY, PUKKUNNEL, KAVLANGAD,
KOTHAMANGALAM.
5. JOY VARGHESE, CHIRAMMEL,
NERIYAMANGALAM.
6. C.A. ALIYAR, CHULLIKKATHIL,
KAVLANGAD.
7. MARIYA DASAN, PULIKKAL,
KOTHAMANGALAM.
8. JOY THOMAS, MATTATHIL,
NERIYAMANGALAM.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

1. STATE OF KERALA REPRESENTED BY
DISTRICT REGISTRAR, ERNAKULAM, KOCHI-16.
2. DEPUTY TAHSILDAR, REVENUE RECOVERY,
KOTHAMANGALAM.

BY GOVERNMENT PLEADER SRI. KHADER KUNJU

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 30/08/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP 1496 OF 2002 & 757 OF 2002 IN OP 457 OF 2002

DISMISSED

30.8.2006

SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONERS' EXHIBITS:

EXT.P1 TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 17.12.2001 ISSUED BY THE 2ND RESPONDENT TO FIRST PETITIONER.

EXT.P2 TRUE PHOTOCOPY OF THE DEMAND NOTICE DATED 12.12.2001 ISSUED BY THE 2ND RESPONDENT TO THE SECOND PETITIONER.

EXT.P3 DO.DO. DATED 12.12.2001 ISSUED TO THE THIRD PETITIONER.

EXT.P4 DO.DO. ISSUED TO THE FOURTH PETITIONER.

EXT.P5 DO.DO. DATED 17.12.2001 ISSUED TO THE FIFTH PETITIONER.

EXT.P6 DO.DO. DATED 12.12.2001 ISSUED TO THE 6TH PETITIONER.

EXT.P7 DO.DO. DATED 5.12.2001 ISSUED TO THE 7TH PETITIONER.

EXT.P8 DO.DO. DATED 5.12.2001 ISSUED TO THE 8TH PETITIONER.

EXT.P9 TRUE PHOTOCOPY OF THE APPLICATION SUBMITTED BY THE THIRD PETITIONER BEFORE THE 2ND RESPONDENT DATED 24.12.2001

RESPONDENTS' EXHIBITS: NIL

TRUE COPY\

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P.NO. 457 OF 2002

Dated this the 30th day of August, 2006

JUDGMENT

Petitioners are challenging revenue recovery proceedings for recovery of differential stamp duty demanded on account of alleged under-valuation of sale deeds. Petitioners' case is that no adjudication order is issued by the District Registrar prior to recommending revenue recovery proceedings. Since appeal is provided to the District Court against the order of the District Registrar, demanding differential duty, he is bound to pass a proper order after hearing the affected party. O.P. is therefore disposed of with direction to the first respondent to issue notice to the petitioners stating the reasons for adjudication of under-valuation in the document with reference to the Rules, hear the objections of the petitioners and pass fresh adjudication order within a period of two months from the date of production of a copy of this judgment. Petitioner will produce a copy of this judgment before the first respondent for compliance. Revenue recovery proceedings will be kept in abeyance until fresh orders are issued, and thereafter recovery

proceedings will be continued for the amount due under the fresh order.

If the petitioners have still any grievance they are free to file appeal and move for stay before the District Court, failing which recovery will be continued under the same RR proceedings for fresh demand raised.

(C.N.RAMACHANDRAN NAIR)
Judge

